

REMARKSStatus of the Application

Claims 1-31 are pending. Claims 1-4, 14-17 and 29-31 are rejected. Claims 5-13 and 18-28 are objected to.

Specification

The abstract has been amended to overcome the objection to the specification.

Section 102 RejectionsFarley

Claims 1, 2, 14, 16, 29 and 30 have been rejected under 35 U.S.C. Section 102 as being anticipated by Farley U.S. Patent No. 5,154,297. Farley is directed to a foot assembly that can be attached to the four corners of a box to simulate a pallet. The foot assembly includes an “outwardly projecting portion” to accommodate a reinforcing strip. According to the examiner, Farley teaches a base 14 with openings 36 for receiving the vertical support posts 40 in interlocking fashion (Figs. 1 and 2).

Applicants have amended claim 1 to distinguish the Farley reference. Amended claim 1 now requires a “unitary base”, meaning the base is undivided, whole. Support for this amendment is found in the specification as filed at Figure 2, which shows a unitary base. Farley does not teach or suggest this limitation. Instead, Farley teaches a base formed from a box 10 and four foot assemblies 20.

For at least the same reason Applicant submits that claims 2, 14 and 16 are also allowable. Claims 29-31 have been cancelled.

Mertz

Claims 1, 2, 14, 16, 29 and 30 have been rejected under 35 U.S.C. Section 102 as being

anticipated by Mertz U.S. Patent No. 5,277,310. Applicants submit that amended claim 1 is distinguishable from Mertz for the following reasons:

First, amended claim 1 requires a unitary base, whereas Mertz' base 8 is a "multi-piece base member." (Col. 2, line 6).

Second, amended claim 1 requires that the base and the support post cooperate to prevent the support post from moving laterally. This limitation is supported in the specification as filed at paragraphs 0013, 0025 and 0033. Mertz does not teach this limitation, since Mertz's posts 40 could readily move laterally from the openings shown in Figure 4 were they not glued together by side panels 54 (col. 4, lines 16-18) and baseloid flanges 60 (col. 4, lines 32-34).

For at least the same reasons Applicant submit that claims 2, 14 and 16 are also allowable. Claims 29-31 have been cancelled.

Section 103 rejections

Claims 3, 4, 16, 17 and 31 have been rejected under 35 USC Section 103 as being unpatentable over Farley in view of admitted prior art. Applicant submits that claims 3, 4, 16 and 17 are allowable over Farley and the admitted prior art for at least the same reason as amended claim 1. Claim 31 has been cancelled.

Claims 3, 4, 16, 17 and 31 have been rejected under 35 USC Section 103 as being unpatentable over Mertz in view of admitted prior art. Applicant submits that claims 3, 4, 16 and 17 are allowable over Mertz and the admitted prior art for at least the same reasons as amended claim 1. Claim 31 has been cancelled.

Allowable Subject Matter

Applicants note with appreciation the Examiner's statement that claims 5-13 and 18-28

would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants submit that the objection to claims 5-13 and 18-28 is moot in view of the foregoing arguments regarding claims 1 and 14.

Summary

It is believed that this paper constitutes a complete response to the Office Action mailed March 22, 2005, and an early and favorable action allowing claims 1-28 is respectfully requested. The Examiner is invited to telephone Applicant's undersigned attorney if any unresolved matters remain.

Respectfully submitted,



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